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Art Unit: 3754

REMARKS

Remarks

Reconsideration of the objection to and the rejection of the present Application under 35 USC 102(b) and 35 USC 103 (a) is hereby requested.

The drawings stand objected to as not including numeral "62" as recited in the specification. A replacement drawing sheet is enclosed herewith, under separate cover. Approval is requested.

Claims 1 – 3, 5 and 6 stand rejected under 35 USC 102(b) as being "anticipated" by the reference 6,036,054 to Grill. The '054 reference to Grill however, discloses an attachment adapted for a carbonated liquid container, for carbonated beverages which have "lost its fizz". The beverages are water or beer, as identified in column 2, lines 15 – 19 of the '054 reference.

The dispenser portion of the '054 reference teaches use of a container (12) such as a bottle with a threaded opening (28) see col. 2, line 23. This is not a "pressurized dispenser" of the type claimed in the present inventive apparatus. Once the liquid in the '054 bottle has been carbonated through its screwed-on attachment of carbonator/attachment (10), the carbonator/attachment (10) must be removed (unthreaded), see figure 2 of the '054 reference, for the liquid to be poured out, not pressurizably dispensed as required in Applicants' invention.

There is no pressurized dispensing of a whipped cream through an actuatable nozzle, which is critical to Applicants' invention. As elementary physics teaches, without an enclosure, pressure goes to "atmospheric" or effectively zero! Thus, there is no pressurized dispensing, which pressure is absolutely required by Applicants inventive apparatus. Therefore, there would be no motivation to look at or consider the '054 as a reference, nor would it anticipate Applicants' invention. The '054 has no release valve to dispense liquid, much less able to pressurizably dispense a pressurizable whipped cream therefrom.

An invention is anticipated, and therefore invalid, if a single prior art reference expressly or inherently discloses each and every limitation of the

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claimed invention. See *Scripps Clinic & Research Foundation V Genentech, Inc.* 927 F.2d 1565, 18 USPQ 2d (BNA) 1896 (Fed. Cir. 1991).

Clearly, the '054 reference neither teaches nor discloses every limitation, particularly a discharge nozzle for pressurizably discharging a fluid such as whipped cream, as required in Applicants' independent claims.

Further, literature in the field teaches away from Applicants' invention. For example, as shown in attached literature labeled as Exhibit A, "iSi", a manufacturer of whipped cream dispensers, in their literature specifically advises, for safety reasons, never to try to use anything but their iSi "cartridge" chargers on their dispensers, which is exactly what Applicants' invention safely and inventively overcomes, not with a "cartridge" but a unique continuous pressurized system!

Therefore, since independent claim 1 and 5 as amended, recite invention matter not found in the '054 reference, such independent claims 1 and 5 should be allowed, such action being earnestly requested. Since the deemed independent claims 1 and 5 are believed allowable, claims depending therefrom are believed allowable as well. Such action is earnestly solicited. The rejection of dependent claims 4 and 7 under 35 USC 103 therefore becomes moot, and as such, is requested to be withdrawn.

Should the Examiner believe that any issue remains unresolved, the Examiner is invited to call the undersigned for a discussion of same.

Respectfully submitted,



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